

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

CENTRIPETAL NETWORKS, INC.,

Plaintiff,

vs.

CISCO SYSTEMS, INC.,

Defendant.

Case No. 2:18-cv-00094-EWH-LRL

**MOTION AND MEMORANDUM IN SUPPORT OF MOTION FOR
EXPEDITED BRIEFING AND HEARING ON CISCO’S MOTION TO
SEVER AND STAY THE CASE AS TO U.S. PATENT NO. 9,917,856**

Defendant Cisco Systems, Inc. (“Cisco”), by counsel, moves for entry of an Order establishing an expedited briefing schedule for Cisco’s Motion to Sever and Stay the Case as to U.S. Patent No. 9,917,856 [ECF No. 687] (“Cisco’s Motion”). Specifically, Cisco respectfully requests that the Court enter an Order directing Plaintiff Centripetal Networks, Inc. (“Centripetal”) to file its response to Cisco’s Motion no later than Thursday, June 1, 2023 and Cisco to file its reply no later than Monday, June 5, 2023. Cisco also requests that the Court schedule a hearing on Cisco’s Motion, either remotely or in person, at the Court’s earliest convenience after briefing is complete. Counsel for Cisco has consulted with counsel for Centripetal, and counsel for Centripetal has indicated that Centripetal opposes this Motion.

As explained more fully in Cisco’s Motion, on May 23, 2023, the United States Patent and Trademark Office issued its Final Written Decision in IPR2022-00182, which determined that all challenged claims (Claims 1, 24 and 25) of U.S. Patent No. 9,917,856 (“the ’856 Patent”) are unpatentable. This Final Written Decision thus invalidates both claims from the ’856 Patent that are asserted in this litigation. While Centripetal may appeal the decision, for reasons of judicial

efficiency, it is appropriate to sever and stay proceedings related to the '856 Patent pending any such appeal.

The Rule 63 hearing in this matter is scheduled to begin on June 22, 2023, approximately four weeks from the filing of Cisco's Motion, and the parties are scheduled to file their renewed proposed findings of fact and conclusions of law in just over two weeks, on June 9. Under the briefing schedule set forth in the Local Rules, briefing on Cisco's Motion would not be complete until June 13, after the parties are scheduled to file their renewed proposed findings of fact and conclusions of law, and only nine days before the Rule 63 hearing. Since the resolution of Cisco's Motion will potentially affect the scope of the Rule 63 hearing, it is important to the parties' hearing preparation that the Court consider Cisco's Motion as soon as practical.

For the foregoing reasons, Cisco respectfully requests that the Court grant its Motion and enter an Order directing Centripetal to file its response to Cisco's Motion no later than Thursday, June 1, 2023 and Cisco to file its reply no later than Monday, June 5, 2023, and for the Court to schedule a hearing on Cisco's Motion, either remotely or in person, at the Court's earliest convenience after briefing is complete. A proposed Order is filed herewith.

Dated: May 24, 2023

CISCO SYSTEMS, INC.

By: _____/s/_____
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